OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301

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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and)	
Complaint Against)) NO Care No 00 6060 1	
DONALD YARBRO, M.D.,) FILED February 27,	2009
Respondent.) CLERK OF THE BOARD	

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Jean Stoess, M.A., Member, and Benjamin Rodriguez, M.D., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Donald Yarbro, M.D., hereinafter referred to as Dr. Yarbro, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Dr. Yarbro is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on April 9, 1983 (License No. 4777), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.
- 2. Patient A was a thirty-eight year old male at the time of the incidents alleged herein. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Dr. Yarbro along with a copy of this Complaint.
- 3. Patient A presented to Concentra Health Services on March 14, 2007 relating that he had fallen backward and had hit his head and twisted his neck while at work. Patient A was seen by a physician at Concentra Health Services who performed a history and physical and ordered x-rays.

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- 4. The Concentra physician diagnosed Patient A with a contusion of the face and scalp and cervical strain. Patient A was requested to return the following day. Patient A's wife contacted Concentra in the early evening of March 14, 2007, indicating that her husband was very drowsy and unable to stay awake. The Concentra physician instructed that Patient A was to go to the emergency room as a CT scan was indicated.
- 5. The x-rays ordered by the Concentra physician on March 14, 2007, were read by Dr. Yarbro on March 15, 2007. Dr. Yarbro dictated a report indicating that there were no abnormalities noted in the cervical spine.
- 6. Patient A presented to the emergency room of Spring Valley Hospital the morning of March 15, 2007. At Spring Valley Hospital Patient A related that he had fallen backward at work hitting his head, but also indicated that he had experienced immediate numbness in his hands that did not subside. He did indicate that he had had x-rays taken the previous day at Concentra Health Services.
- 7. A CT scan was performed on March 15, 2007 indicating anterior and posterior arch fractures at C1, consistent with a Jefferson fracture.

Count I

- 8. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 9. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a licensee.
- 10. Dr. Yarbro failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when he failed recognize the C1 Jefferson fracture in reading the xrays performed on March 14, 2007.
- 11. By reason of the foregoing, Dr. Yarbro is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

WHEREFORE, the Investigative Committee prays:

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1.	That	the	Nevada	State	Board	of Medical	Examiners	fix	a	time	and	place	for	a
formal hearing	··													

- 2. That the Nevada State Board of Medical Examiners give Dr. Yarbro notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose for the violation or violations committed by Dr. Yarbro; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Yarbro its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 27 day of February, 2009.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Lyn E. Beggs

General Counsel and Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

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ON

1	VERIFICATION
2	STATE OF NEVADA)
3	COUNTY OF DOUGLAS)
4	CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
5	penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
6	Board of Medical Examiners that authorized the complaint against the Respondent herein; that he
7	has read the foregoing Complaint; and that based upon information discovered in the course of the
8	investigation into a complaint against Respondent, he believes that the allegations and charges in
10	the foregoing Complaint against Respondent are true, accurate, and correct.
11	DATED this <u>27th</u> day of <u>February</u> , 2009.
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13	20 Lmg
14	CHARLES N. HELD, M.D.
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 27th day of February 2009, I served a file copy of the COMPLAINT along with a SETTLEMENT, WAIVER & CONSENT AGREEMENT, by mailing via USPS certified return receipt mail to the following:

Linda McKenzie, Esq. Alverson, Taylor, Mortensen & Sanders 7401 W. Charleston Blvd. Las Vegas, NV 89117

Dated this 27th day of February 2009.

Angelia Donohoe Legal Assistant